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EXAMINER

WEST, LEWIS G

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2618

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

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Technology Center 2600

Application Number: 10/074,970
Filing Date: February 13, 2002
Appellant(s): BRANDT ET AL.

Roland K. Bowler II
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 15, 2006 appealing from the Office action mailed February 4, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipate by New (6,625,467).

Regarding claim 1, New discloses a method in a mobile wireless communication device, comprising: receiving present paging information; performing present signal measurements while receiving the present paging information; performing present reselection processing on prior signal measurements while performing present signal measurements. (Col. 9 line 50-Col. 10 line 22; Figure 4)

Regarding claim 2, New discloses the method of Claim 1, performing the prior signal measurements while receiving prior paging information before receiving present paging information. (Col. 9 line 50-65)

Regarding claim 3, New discloses the method of Claim 1, reducing power consumption by performing the present reselection processing on the prior signal measurements while receiving the present paging information, performing the prior signal measurements while

Art Unit: 2618

receiving prior paging information before receiving the present paging information. (Col. 9 line 50-Col. 10 line 22; Figure 4)

Regarding claim 4, New discloses the method of Claim 1, reducing power consumption by performing the present reselection processing, based upon the prior signal measurements, and receiving the present paging information in a substantially overlapping time period. (Col. 9 line 50-Col. 10 line 22; Figure 4)

Regarding claim 5, New discloses the method of Claim 1, entering a minimal power consumption mode while not receiving paging information and not performing signal measurements and not performing reselection processing. (Col. 5 lines 53-65; Fig. 4)

Regarding claim 6, New discloses the method of Claim 5, maximizing minimal power consumption mode operation by performing the reselection processing while substantially concurrently receiving the paging information. (Col. 5 lines 53-65; Fig. 4; Col. 9 line 50-65))

Regarding claim 7, New discloses the method of Claim 1, receiving present paging information, performing present signal measurements, and performing reselection processing while operating the wireless communication device in idle mode.

Regarding claim 8, New discloses a method in a mobile wireless communication device that receives paging information and performs neighbor signal measurements, comprising: receiving present paging information; performing present signal measurements while receiving the present paging information; performing reselection processing while receiving present paging information; reducing power consumption by performing the reselection processing on prior signal measurements performed while receiving prior paging information. (Col. 9 line 50-Col. 10 line 22; Figure 4)

Regarding claim 9, New discloses the method of Claim 8, entering a minimal power consumption mode when not receiving paging information and not performing signal measurements and not performing reselection processing. (Col. 5 lines 53-65; Fig. 4)

Regarding claim 10, New discloses the method of Claim 8, maximizing minimal power consumption mode operation by performing the reselection processing while substantially concurrently receiving the paging information. (Col. 9 line 50-Col. 10 line 22; Figure 4)

Regarding claim 11, New discloses the method of Claim 8, receiving present paging information, performing present signal measurements, and performing reselection processing while operating the wireless communication device in idle mode. (Col. 9 line 50-Col. 10 line 22; Figure 4)

Regarding claim 12, New discloses a method in a wireless communication device, comprising: receiving periodic paging information; performing periodic signal measurements; performing periodic reselection processing; reducing power consumption by receiving at least a portion of the periodic paging information concurrently with performing at least a portion of the periodic signal measurements and performing at least a portion of the periodic reselection processing. (Col. 9 line 50-Col. 10 line 22; Figure 4)

Regarding claim 13, New discloses the method of Claim 12, performing present reselection processing on prior signal measurements while performing present signal measurements. (Col. 9 line 50-Col. 10 line 22; Figure 4)

Regarding claim 14, New discloses the method of Claim 12, operating in a minimal power consumption mode when not receiving periodic paging information and not performing

Art Unit: 2618

periodic signal measurements and not performing periodic reselection processing. (Col. 5 lines 53-65; Fig. 4)

Regarding claim 15, New discloses a method in a TDMA wireless communication device that receives periodic paging blocks and performs periodic neighbor signal measurements, comprising: receiving a present paging block; performing present neighbor cell signal strength measurements while receiving the present paging block; performing reselection processing for prior neighbor cell signal strength measurements while receiving the present paging block and performing the present neighbor cell signal strength measurements. (Col. 9 line 50-Col. 10 line 22; Figure 4)

Regarding claim 16, New discloses the method of Claim 15, reducing power consumption by operating in a minimal power consumption mode when not receiving periodic paging blocks and not performing periodic neighbor cell signal strength measurements and not performing reselection processing. (Col. 5 lines 53-65; Fig. 4)

Regarding claim 17, New discloses the method of Claim 15, reducing power consumption by receiving at least a portion of the periodic paging blocks, performing at least a portion of the periodic neighbor cell signal strength measurements, and performing at least a portion of the reselection processing concurrently. (Col. 9 line 50-Col. 10 line 22; Figure 4)

Regarding claim 18, New discloses a method in a WCDMA wireless communication device that receives periodic paging indicator channel blocks and performs periodic reselection processing (Col. 5 lines 13-42), comprising: receiving a present paging indicator channel block; performing present signal measurements while receiving the present paging indicator channel block; performing reselection processing for prior signal measurements while receiving the

present paging indicator channel block and performing the present signal measurements. (Col. 9 line 50-Col. 10 line 22; Figure 4)

Regarding claim 19, New discloses the method of Claim 18, reducing power consumption by operating in a minimal power consumption mode when not receiving periodic paging indicator blocks and when not performing periodic signal measurements and not performing reselection processing. (Col. 5 lines 53-65; Fig. 4)

Regarding claim 20, New discloses the method of Claim 18, performing signal measurements between receiving periodic paging indicator blocks when the period between the periodic paging indicator blocks is greater than a predetermined period. (Col. 9 line 50-Col. 10 line 22; Figure 4)

(10) Response to Argument

Regarding claims 1, the broadest claim presented,

New clearly shows:

-Receiving present paging information: Clearly paging information is received, and this must take place in the present. Applicant argues that paging information is only received after demodulation takes place, however, this is erroneous, as the paging information must be present to be measured and selected for demodulation. Also it is clear that the demodulation takes place during active period 426; see Figure 4.

-Performing present signal measurements while receiving present paging information. See in column 10 lines 2-18, wherein there are present measurements made of signals, in the present, including paging information which is being received at the same time, also in period 426. It is clear in the cited portion that paging information from Base stations 1 and 2 are being

Art Unit: 2618

received and measured. And, as already stated, demodulation of paging information could not occur without first receiving it.

-Performing present reselections processing on prior signal measurements while performing present signal measurement. Clearly reselection processing is being done in the same active period, 426, as the system is choosing a base station, as already explained, there are present signal measurements going on during this reselection, wherein base stations 1 and 2 are evaluated based on measurement. However, also in the same active period, the reacquisition information, which is formed from measurements taken in the previous active period, 416, is being used for reselection processing, in that the base stations, to be evaluated are chosen based on the measurements of those base stations taken in previous period 416.

Applicant's claims are extremely broad and have been give the broadest reasonable interpretation in accordance with the specification. Reselection is a process with multiple steps, and "reselection processing", given a reasonable interpretation is performing actions involved in carrying out reselection, which includes processing of the reselection timer and the reacquisition list. In claim 1, the list of base stations formed previously in period 416 includes the base stations chosen, and involved, in the "present reselection processing" of period 426.

Regarding claim 2, applicant again argues the timing of demodulation, which is irrelevant, as paging information is received before it's demodulated.

Regarding claim 3, claim 3 merely repeats the last line of claim 1 and includes the same limitations of claim 2, adding "reducing power consumption" which would be an effect of the limitations already addressed, so the response with respect to claim 2 applies equally.

Art Unit: 2618

Regarding claim 4, see claim 3, “substantially overlapping” adds no real difference to the claim as the stated steps all take place during active period 426.

Regarding claim 5, there is clearly an inactive period, as applicant points out in arguments and is clearly shown in figure 4.

Regarding claim 6, again, the processing occurring in one active period reads on “substantially currently receiving”, and “maximizing minimal power consumption” is an effect of the existing prior art method and not a limitation which provides patentable distinction.

Regarding claim 7, Applicant’s arguments are self-conflicting. If all the process took place during the inactive period this would be in direct conflict with the parent claim, as an inactive state is one where such processing does not take place. The process of selectively powering up in active periods is one that takes place during an “idle mode” of a phone and is a distinct concept from the inactive period argued by applicant.

Regarding claim 8, Claim 8 is substantially the same as claim 3 with respect to applicant’s arguments.

Regarding claims 9, there is clearly an inactive period, as applicant points out in arguments and is clearly shown in figure 4.

Regarding claim 10, again, the processing occurring in one active period reads on “substantially currently receiving”, and “maximizing minimal power consumption” is an effect of the existing prior art method and not a limitation which provides patentable distinction.

Regarding claim 11, Applicant’s arguments are self-conflicting. If all the process took place during the inactive period this would be in direct conflict with the parent claim, as an inactive state is one where such processing does not take place. The process of selectively

Art Unit: 2618

powering up in active periods is one that takes place during an “idle mode” of a phone and is a distinct concept from the inactive period argued by applicant.

Regarding claim 12, Claim 12 is substantially the same as claim 3 with respect to applicant’s arguments.

Regarding claim 13, applicant again argues the timing of demodulation, which is irrelevant, as paging information is received before it’s demodulated.

Regarding claim 14, there is clearly an inactive period, as applicant points out in arguments and is clearly shown in figure 4.

Regarding claim 15, Claim 15 is substantially the same as claim 1 with respect to applicant’s arguments.

Regarding claim 16, Claim 16 is substantially the same as claim 3 with respect to applicant’s arguments.

Regarding claim 17, Claim 17 is substantially the same as claim 3 with respect to applicant’s arguments.

Regarding claim 18, Claim 18 is substantially the same as claim 1 with respect to applicant’s arguments.

Regarding claim 19, Claim 19 is substantially the same as claim 3 with respect to applicant’s arguments.

Regarding claim 20, the limitation of “greater than a predetermined period” is arbitrary, and the reference clearly shows that the period between paging signal in Figure 4 is during the active period at T1 and T2.

(11) Related Proceeding(s) Appendix

Art Unit: 2618

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Lewis West




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